
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:17-cv-00397-JLS-KES

Date: May 26, 2017

Title: CDK Ventures, LLC v. Performance Shading Systems Inc. et al.

Present: **Honorable JOSEPHINE L. STATON, UNITED STATES DISTRICT JUDGE**

Terry Guerrero
Deputy Clerk

N/A
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF: ATTORNEYS PRESENT FOR DEFENDANT:

Not Present

Not Present

**PROCEEDINGS: (IN CHAMBERS) ORDER TO SHOW CAUSE WHY THIS
CASE SHOULD NOT BE DISMISSED FOR LACK OF
SUBJECT MATTER JURISDICTION**

The Court may raise the issue of subject matter jurisdiction at any time, *sua sponte*. See *U.S. Catholic Conference v. Abortion Rights Mobilization*, 487 U.S. 72, 79 (1988). Generally, subject matter jurisdiction is based on the presence of complete diversity between the parties, see 28 U.S.C. § 1332, or on the presence of an action arising under federal law, see 28 U.S.C. § 1331. In the Ninth Circuit, “an LLC is a citizen of every state of which its owners/members are citizens.” *Johnson v. Columbia Properties Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006); see *Americold Realty Trust v. Conagra Foods, Inc.*, 136 S. Ct. 1012, 1016 (2016) (“So long as . . . an entity is unincorporated, we apply our ‘oft-repeated rule’ that it possesses the citizenship of all its members.”).

Here, Plaintiff alleges federal subject matter jurisdiction under 28 U.S.C. § 1332. (Notice of Removal ¶ 9, Doc. 1.) Although Plaintiff alleges that it is a Delaware limited liability company with its principal place of business in California (*id.* ¶ 3), Plaintiff does not plead the citizenship of every owner or member of the company.

For the reasons set forth above, the Court ORDERS:

- 1) Plaintiff to show cause in writing no later than **June 2, 2017** why this action should not be dismissed for lack of subject matter jurisdiction. Failure to respond by the above date will result in the Court dismissing this action.

Initials of Preparer: tg